

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11959-NG**

Benitez v. Sodexho Marriott Services
Assigned to: Judge Nancy Gertner
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 09/08/2004
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Flavia Benitez

represented by **Flavia Benitez**

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PRO SE

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TERMINATED: 12/22/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Sodexho Marriott Services

represented by **Brian M. Haney**

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TERMINATED: 04/09/2007
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


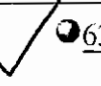







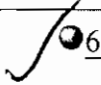


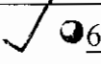


Date Filed	#	Docket Text
09/08/2004	✓ 1	MOTION for Leave to Proceed in forma pauperis by Flavia Benitez.(Jenness, Susan) (Entered: 09/09/2004)
09/08/2004	✓ 2	COMPLAINT, filed by Flavia Benitez.(Jenness, Susan) (Entered: 09/09/2004)
09/08/2004	3	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Jenness, Susan) (Entered: 09/09/2004)
09/09/2004	4	Case undergoing preliminary screening (Jenness, Susan) (Entered: 09/09/2004)
09/15/2004	✓ 3	AMENDED COMPLAINT against Sodexho Marriott Services , filed by Flavia Benitez.(Jenness, Susan) (Entered: 09/21/2004)
09/21/2004	5	Amended complaint forwarded for screening (Jenness, Susan) (Entered: 09/21/2004)
09/23/2004	✓ 4	Judge Nancy Gertner : ORDER entered granting 1 Motion for Leave to Proceed in forma pauperis. The Clerk shall issue summonses and the United States Marshal shall serve a copy of the summons, amended complaint, and this order upon defendant(s) as directed by plaintiff with all costs of service to be advanced by the United States. (Weissman, Linn) (Entered: 09/23/2004)
09/23/2004	6	Summons Issued as to Sodexho Marriott Services. (Weissman, Linn) (Entered: 09/23/2004)
10/19/2004	✓ 9	US Marshal Process Receipt and Return for Summons. Complaint. Chief Executive Officer of Sodexho Marriott Services served Delivered on 10/1/04 (Filo, Jennifer) (Entered: 11/03/2004)
10/21/2004	✓ 5	NOTICE of Appearance by Kenneth J. Martin on behalf of Sodexho Marriott Services (Martin, Kenneth) Modified on 10/25/2004 - DUPLICATE OF ENTRY #6 (Filo, Jennifer). (Entered: 10/21/2004)
10/21/2004	✓ 6	NOTICE of Appearance by Kenneth J. Martin on behalf of Sodexho Marriott Services (Martin, Kenneth) (Entered: 10/21/2004)
10/21/2004	✓ 7	<i>Defendant, Sodexho's</i> ANSWER to Amended Complaint and Demand for Jury Trial by Sodexho Marriott Services.(Martin, Kenneth) (Entered: 10/21/2004)
10/21/2004	✓ 8	CORPORATE DISCLOSURE STATEMENT by Sodexho Marriott Services. (Martin, Kenneth) (Entered: 10/21/2004)

11/30/2005	✓ 19	MOTION to Withdraw as Attorney by Flavia Benitez.(Hernandez, Robert) (Entered: 11/30/2005)
12/01/2005	20	Electronic NOTICE of Hearing on Motion <u>19</u> MOTION to Withdraw as Attorney: Motion Hearing set for 12/19/2005 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. Counsel is to provide notice of hearing to the plaintiff.(Dambrosio, Jolyne) (Entered: 12/01/2005)
12/14/2005	✓ 21	Letter/request (non-motion) filed by Flavia Benitez re: attorney. (Filo, Jennifer) (Entered: 12/21/2005)
12/19/2005	20	Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 12/19/2005 re <u>19</u> MOTION to Withdraw as Attorney filed by Flavia Benitez,.;Attorneys Hernndez and Martin; USMJ Dein hears argument and takes matter under advisement. Dft. to submit proposed confidentiality order. (Court Reporter DR.) (Quinn, Thomas) (Entered: 12/19/2005)
12/19/2005	✓ 20	Judge Judith G. Dein : ORDER entered regarding <u>19</u> Motion to Withdraw as Attorney. In addition to plaintiff's counsel giving notice to the plaintiff, the court has sent a copy of the order to the plaintiff. (Dambrosio, Jolyne) (Entered: 12/19/2005)
12/22/2005	20	Judge Judith G. Dein : Electronic ORDER entered granting <u>19</u> Motion to Withdraw as Attorney. (Dambrosio, Jolyne) (Entered: 12/22/2005)
12/30/2005	✓ 22	MOTION for Extension of Time to Complete Discovery <i>and Advance Date of Status Conference</i> by Sodexho Marriott Services.(Martin, Kenneth) (Entered: 12/30/2005)
01/03/2006	20	Judge Judith G. Dein : Electronic ORDER entered granting <u>22</u> Defendant's Motion for Extension of Time to Complete Discovery and Advance Date of Status Conference. The status conference is rescheduled to 1/17/06 at 10:45AM in Courtroom #15 on the 5th floor. (Dambrosio, Jolyne) (Entered: 01/03/2006)
01/06/2006	✓ 23	Judge Judith G. Dein : ORDER entered. STIPULATED CONFIDENTIALITY AND PROTECTIVE ORDER.(Dambrosio, Jolyne) (Entered: 01/09/2006)
01/17/2006	20	ELECTRONIC Clerk's Notes for proceedings held before Judge Judith G. Dein: Status Conference held on 1/17/2006.; Plaintiff Pro Se Benitez failed to appear; Attorney Martin reports current case status with unresolved discovery issues; Dft. will send notice of deposition, confidentiality and protective order and medical releases to Pro Se Plaintiff at her last known address; plaintiff shall provide signed answers to interrogatories and medical releases by 1/31/06; Next status conference is set for 2/3/06 @ 10:00am. (Court Reporter DR.) (Quinn, Thomas) (Entered: 01/17/2006)
01/17/2006	✓ 24	Judge Judith G. Dein : ORDER entered. SCHEDULING ORDER: Status Conference set for 2/3/2006 10:00 AM in Courtroom 15 before Magistrate

		Judge Judith G. Dein.(Dambrosio, Jolyne) (Entered: 01/17/2006)
01/23/2006	✓ 25	JOINT SUBMISSION pursuant to Local Rule 16.1 <i>Brief Statement Pursuant to Court's January 17, 2006 Order</i> by Sodexho Marriott Services.(Haney, Brian) (Entered: 01/23/2006)
01/30/2006	✓ 27	Letter/request (non-motion) from Flavia Benitez. (Attachments: # <u>1</u> attachment)(Filo, Jennifer) (Entered: 02/06/2006)
02/03/2006	✓ 26	Judge Judith G. Dein : SCHEDULING ORDER entered. Plaintiff has until 3/21/06 to locate counsel; plaintiff shall execute medical release forms by 3/24/06; Status Conference set for 3/27/2006 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein.(Irwin, Nancy) (Entered: 02/03/2006)
02/03/2006	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : Status Conference held on 2/3/2006.; Pro Se Benitez and Attorney Martin report case status; plaintiff has 45 days to retain counsel and execute medical releases; next conference is set for 3/27/06 @ 2:00pm. (Court Reporter DR.) (Quinn, Thomas) (Entered: 02/03/2006)
02/03/2006	✓ 28	MOTION (in letter format) for Judgment against Defendants by Flavia Benitez.(Patch, Christine) Additional attachment(s) added on 2/14/2006 (Patch, Christine). (Entered: 02/14/2006)
02/27/2006	●	Judge Judith G. Dein : Electronic ORDER entered denying <u>28</u> Plaintiff's Motion for Judgment (in letter format) for Judgment against Defendants. The parties shall comply with the court's Scheduling Order of 2/3/06. (Dambrosio, Jolyne) (Entered: 02/27/2006)
03/20/2006	✓ 29	<i>Defendant's Brief Statement Pursuant to the Court's February 3, 2006 Scheduling Order</i> by Sodexho Marriott Services.(Haney, Brian) (Entered: 03/20/2006)
03/27/2006	✓ 30	Judge Judith G. Dein : SCHEDULING ORDER entered: Status Conference set for 6/5/2006 02:45 PM in Courtroom 15 before Magistrate Judge Judith G. Dein.(Dambrosio, Jolyne) (Entered: 03/27/2006)
03/27/2006	●	Clerk's Notes for proceedings held before Judge Judith G. Dein : Status Conference held on 3/27/2006.; Pro Se Benitez and Attorney Haney report current case status; Plaintiff Benitez report she is still looking to retain counsel; Deposition of plaintiff is set for 5/23/06; On or before May 10,2006 plaintiff may file motion to continue if she does not have counsel to represent her. If parties wish to explore ADR USMJ Dein may be able to appoint counsel for Pro Se Benitez for mediation purposes. (Court Reporter DR.) (Quinn, Thomas) (Entered: 03/28/2006)
04/27/2006	✓ 31	MOTION to Appoint Counsel by Flavia Benitez.(Patch, Christine) (Entered: 05/01/2006)
04/27/2006	✓ 32	MOTION for Interpreter by Flavia Benitez.(Patch, Christine) (Entered: 05/01/2006)

05/04/2006	✓ 33	Letter in response to April 14, 2006 letter, from Flavia Benitez. (Patch, Christine) (Entered: 05/04/2006)
05/04/2006	✓ 34	Letter in response to April 24, 2006 letter, from Flavia Benitez. (Patch, Christine) (Entered: 05/04/2006)
05/04/2006	✓ 35	Letter in Reponse to April 25, 2006 letter, from Flavia Benitez. (Patch, Christine) (Entered: 05/04/2006)
05/09/2006	✓ 36	Judge Judith G. Dein : ORDER entered denying 31 Motion to Appoint Counsel, and denying 32 Motion for Technical Legal Interpreter. (Dambrosio, Jolyne) Additional attachment(s) added on 5/10/2006 (Dambrosio, Jolyne). (Entered: 05/09/2006)
05/19/2006	✓ 38	Letter/Notice (non-motion) from Flavia Benitez. (Filo, Jennifer) (Entered: 05/31/2006)
05/19/2006	✓ 39	Response by Flavia Benitez to May 8, 2006 Letter from Cooley, Manion Jones. (Attachments: # 1 Exhibit)(Filo, Jennifer) (Entered: 05/31/2006)
05/22/2006	✓ 40	MOTION for Protective Order by Flavia Benitez.(Filo, Jennifer) (Entered: 05/31/2006)
05/22/2006	✓ 41	MOTION to Appoint Counsel Pro-Bono by Flavia Benitez.(Filo, Jennifer) (Entered: 05/31/2006)
05/22/2006	✓ 42	MOTION requesting a technical legal interpreter by Flavia Benitez.(Filo, Jennifer) (Entered: 05/31/2006)
05/26/2006	✓ 37	JOINT STATEMENT re scheduling conference <i>Defendant's Brief Statement Pursuant to the Court's March 27, 2006 Scheduling Order.</i> (Martin, Kenneth) (Entered: 05/26/2006)
06/01/2006	✓ 45	Written Stipulation and Procedures by Flavia Benitez. (Filo, Jennifer) (Entered: 06/16/2006)
06/05/2006	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : Status Conference held on 6/5/2006.; Pro Se Benitez and Attorney Martin report case status; USMJ Dein modified schedule and will issue order. (Court Reporter DR.) (Quinn, Thomas) (Entered: 06/07/2006)
06/06/2006	✓ 43	Judge Judith G. Dein : ORDER entered: SCHEDULING ORDER and ORDER denying 40 Plaintiff's Motion for Protective Order, 41 Plaintiff's Motion to Appoint Counsel, and 42 Plaintiff's Motion to Appoint Technical Legal Interpreter. (Dambrosio, Jolyne) (Entered: 06/06/2006)
06/12/2006	✓ 44	Judge Judith G. Dein : ORDER RE INTERROGATORIES entered. (Dambrosio, Jolyne) (Entered: 06/12/2006)
06/22/2006	✓ 47	MOTION to Dismiss <i>the Plaintiff's Complaint For Failure to Comply With Orders From the Court</i> by Sodexo Marriott Services.(Martin, Kenneth) (Entered: 06/22/2006)

06/22/2006	✓ 48	MEMORANDUM in Support re <u>47</u> MOTION to Dismiss <i>the Plaintiff's Complaint For Failure to Comply With Orders From the Court</i> filed by Sodexho Marriott Services. (Martin, Kenneth) (Entered: 06/22/2006)
06/22/2006	✓ 49	AFFIDAVIT of Brian M. Haney re <u>48</u> Memorandum in Support of Motion to Dismiss <i>Plaintiff's Complaint for Failure to Comply with Orders from the Court</i> by Sodexho Marriott Services. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Martin, Kenneth) (Entered: 06/22/2006)
06/26/2006	✓ 50	Judge Nancy Gertner: ORDER entered REFERRING <u>47</u> MOTION to Dismiss the Plaintiff's Complaint For Failure to Comply With Orders From the Court filed by Sodexho Marriott Services, to Magistrate Judge Judith G. Dein for R&R.(Molloy, Maryellen) (Entered: 06/26/2006)
06/27/2006	✓ 51	MOTION to Compel by Flavia Benitez.(Filo, Jennifer) (Entered: 07/11/2006)
06/27/2006	✓ 52	MOTION Requesting Documents by Flavia Benitez.(Filo, Jennifer) (Entered: 07/11/2006)
06/29/2006	✓ 53	MOTION for Protective Order by Flavia Benitez.(Filo, Jennifer) (Entered: 07/11/2006)
07/05/2006	●	Judge Judith G. Dein : Electronic ORDER entered withdrawing <u>47</u> Defendant's Motion to Dismiss For Failure to Comply With Court Orders in accordance with the defendant's request. (Dambrosio, Jolyne) (Entered: 07/05/2006)
07/10/2006	✓ 54	Rebuttal and Opposition Response to Defendant's General Statements by Flavia Benitez. (Filo, Jennifer) (Entered: 07/20/2006)
07/10/2006	✓ 55	MOTION to Compel by Flavia Benitez.(Filo, Jennifer) (Entered: 07/20/2006)
07/24/2006	✓ 56	Opposition re <u>55</u> MOTION to Compel filed by Sodexho Marriott Services. (Martin, Kenneth) (Entered: 07/24/2006)
07/24/2006	✓ 57	AFFIDAVIT of Brian M. Haney re <u>56</u> Opposition to Motion to Compel by Sodexho Marriott Services. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J)(Martin, Kenneth) (Entered: 07/24/2006)
07/26/2006	✓ 58	NOTICE of Appearance by Brian M. Haney on behalf of Sodexho Marriott Services (Haney, Brian) (Entered: 07/26/2006)
08/07/2006	✓ 59	MOTION for Summary Judgment by Sodexho Marriott Services.(Haney, Brian) (Entered: 08/07/2006)
08/07/2006	✓ 60	MEMORANDUM in Support re <u>59</u> MOTION for Summary Judgment filed by Sodexho Marriott Services. (Haney, Brian) (Entered: 08/07/2006)
08/07/2006	✓ 61	STATEMENT of facts re <u>59</u> MOTION for Summary Judgment. (Haney, Brian) (Entered: 08/07/2006)

08/07/2006	  <u>62</u>	AFFIDAVIT in Support re <u>59</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B (first part)# <u>3</u> Exhibit B (2nd part)# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I# <u>11</u> Exhibit J# <u>12</u> Exhibit K)(Haney, Brian) (Entered: 08/07/2006)
08/11/2006		Judge Judith G. Dein : Electronic ORDER entered denying as moot <u>53</u> Plaintiff's Motion for Protective Order. Plaintiff's deposition has taken place in accordance with procedures established by prior orders of the court. (Dambrosio, Jolyne) (Entered: 08/11/2006)
08/11/2006		Judge Judith G. Dein : Electronic ORDER entered denying <u>51</u> , <u>52</u> & <u>55</u> Plaintiff's Motions to Compel and Requesting Documents. The court has reviewed the supplemental discovery filed by the defendant in response to this court's order of 6/6/06 and its response to plaintiff's First Request for Production of Documents, and found them to be sufficient. Any relevant documents requested by plaintiff in her Notice of Requesting to Produce Documents to which the defendant responded on 7/24/06 appear to be duplicative of documents already produced. (Dambrosio, Jolyne) (Entered: 08/11/2006)
08/18/2006	  <u>63</u>	Judge Nancy Gertner: ORDER entered REFERRING CASE to Magistrate Judge Judith G. Dein Referred for: Report & Recommendation on <u>59</u> Motion for Summary Judgment.(Filo, Jennifer) (Entered: 08/18/2006)
09/05/2006	 <u>64</u>	Opposition re <u>59</u> MOTION for Summary Judgment filed by Flavia Benitez. (Bound) (Filo, Jennifer) (Entered: 09/11/2006)
09/25/2006		ELECTRONIC NOTICE of Hearing on Motion <u>59</u> Defendant's MOTION for Summary Judgment: Motion Hearing set for 10/18/2006 03:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 09/25/2006)
10/16/2006	  <u>65</u>	MOTION to set trial date by Flavia Benitez.(Filo, Jennifer) (Entered: 10/18/2006)
10/16/2006	  <u>66</u>	MOTION to Continue Summary Judgment Hearing by Flavia Benitez.(Filo, Jennifer) (Entered: 10/18/2006)
10/16/2006	  <u>67</u>	MEMORANDUM OF LAW by Flavia Benitez. (Filo, Jennifer) (Entered: 10/18/2006)
10/18/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>66</u> Motion to Continue; Hearing is reset to 11/1/06 @ 11:00am. Plaintiff Benitez was present in courtroom #15 at the time this hearing was rescheduled from 10/18/06 to 11/1/06 @ 11:00am. (Quinn, Thomas) (Entered: 10/30/2006)
10/30/2006	  <u>68</u>	MOTION to Compel with Postal Services and Proceeding by Flavia Benitez.(Filo, Jennifer) (Entered: 11/06/2006)
11/01/2006		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 11/1/2006 re <u>59</u> MOTION for Summary Judgment filed

		by Sodexho Marriott Services., Attorney Martin and Pro Se Benitez make arguments and USMJ Dein takes matter under advisement. (Court Reporter DR.) (Quinn, Thomas) (Entered: 11/01/2006)
11/07/2006	●	Judge Judith G. Dein : Electronic ORDER entered denying <u>65</u> Plaintiff's Motion to Set Trial Date. A trial date will be set if appropriate after the court's ruling on the pending motion for summary judgment. (Dambrosio, Jolyne) (Entered: 11/07/2006)
11/07/2006	●	Judge Judith G. Dein : Electronic ORDER entered denying <u>68</u> Plaintiff's Motion to Compel. Plaintiff was personally given date and time of hearing in court after original hearing was rescheduled in response to a "Motion for Continuance of the Summary Judgment Motion Hearing" (Docket No. 66) filed by plaintiff. (Dambrosio, Jolyne) (Entered: 11/07/2006)
11/13/2006	✓ ● <u>69</u>	MEMORANDUM of the Plaintiff's Economical Damages by Flavia Benitez. (Attachments: # <u>1</u> Exhibits)(Filo, Jennifer) (Entered: 11/28/2006)
11/13/2006	✓ ● <u>72</u>	MEMORANDUM filed by Flavia Benitez. (Filo, Jennifer) (Entered: 11/28/2006)
03/14/2007	✓ ● <u>73</u>	Judge Judith G. Dein: REPORT AND RECOMMENDATION entered re <u>59</u> Motion to Dismiss filed by Sodexho Marriott Services. Recommendation: motion to dismiss be allowed. Objections to R&R due by 3/28/2007(Irwin, Nancy) (Entered: 03/14/2007)
03/14/2007	●	Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 03/23/2007)
03/27/2007	✓ ● <u>74</u>	OBJECTION to <u>73</u> Report and Recommendations filed by Flavia Benitez. (Attachments: # <u>1</u> Exhibits)(Filo, Jennifer) (Entered: 04/03/2007)
03/30/2007	●	Judge Nancy Gertner: Electronic ORDER entered; ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>73</u> Report and Recommendations. <u>59</u> Motion to Dismiss. Action on motion: Granted.(Filo, Jennifer) (Entered: 04/04/2007)
04/06/2007	✓ ● <u>75</u>	NOTICE of Withdrawal of Appearance by Kenneth J. Martin (Martin, Kenneth) (Entered: 04/06/2007)
04/13/2007	✓ ● <u>76</u>	Judge Nancy Gertner : ORDER OF DISMISSAL entered. (Filo, Jennifer) (Entered: 04/13/2007)
04/23/2007	✓ ● <u>77</u>	NOTICE OF APPEAL as to <u>76</u> Order. Order Adopting Report and Recommendations by Flavia Benitez NOTICE TO COUNSEL: A Transcript Report/Order Form. which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/14/2007. (Filo, Jennifer) (Entered: 04/26/2007)